

1 Richard I. Yankwich, (CA Bar No. 089924)
2 richard.yankwich@dlapiper.com
3 Aaron Wainscoat, (CA Bar No. 218339)
4 aaron.wainscoat@dlapiper.com
5 Rajiv Dharnidharka, (CA Bar No. 234756)
6 rajiv.dharnidharka@dlapiper.com
7 DLA Piper US LLP
8 2000 University Avenue
9 East Palo Alto, CA 94303-2215
10 Tel: (650)833-2068
11 Fax: (650)687-1207

12 Paul A. Taufer, (PA Bar No. 58,934)
13 paul.taufer@dlapiper.com
14 Darius C. Gambino, (PA Bar No. 83,496)
15 darius.gambino@dlapiper.com
16 Michael L. Burns IV (PA Bar No. 204,365)
17 michael.burns@dlapiper.com
18 DLA Piper US LLP
19 One Liberty Place
20 1650 Market Street, Suite 4900
21 Philadelphia, PA 19103
22 Tel: (215) 656-3385
23 Fax: (215) 656-2498 or 2499

24 Attorneys for ZIGBEE ALLIANCE

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IP CO., LLC and SIPCO, LLC,

Plaintiffs,

v.

CELLNET TECHNOLOGY, INC.,
TROPOS NETWORKS, INC., HUNT
TECHNOLOGIES, LLC and B&L TECH
COMPANY, INC.,

Defendants.

CASE NO. 08-mc-80126-MMC

Civil Action File No.
1:06-CV-3048-JEC
United States District Court
For the Northern District of Georgia

**DECLARATION OF BRETT BLACK IN
SUPPORT OF NON-PARTY ZIGBEE
ALLIANCE'S OPPOSITION TO MOTION
TO COMPEL PRODUCTION OF
DOCUMENTS AND REQUEST FOR
SANCTIONS**

Date: August 13, 2008
Time: TBD
Court: Hon. Maxine M. Chesney

1 I, Brett Black, declare as follows:

2 1. I am the Operations Manager for the Wireless Connectivity Operation at Freescale
3 Semiconductor, Inc. ("Freescale"). This Declaration is made in support of ZigBee's Opposition
4 to the Motion to Compel Production of Documents filed by IP Co., LLC ("IPCO") and SIPCO,
5 LLC ("SIPCO") (collectively, "IPCO"). I have personal knowledge of the statements herein and
6 could competently testify thereto.
7

8 2. I am a member of the board of the ZigBee Alliance ("ZigBee"). I have held a
9 position at ZigBee since December 2004. ZigBee is an association of companies working
10 together to enable reliable, cost-effective, low-power, wirelessly networked, monitoring and
11 control products based on an open global standard. Freescale has been a member of ZigBee since
12 August of 2004. Because of its litigious nature, IPCO was perceived as a threat to bring litigation
13 against ZigBee and/or its members.
14

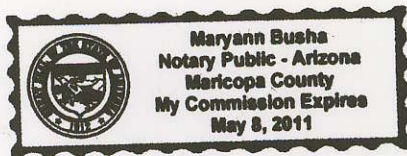
15 3. To aid ZigBee's counsel DLA Piper US LLP ("DLA Piper") in its review of
16 IPCO's patent portfolio including US Pat. Nos. 6,044,062 (the "'062 Patent") and 6,249,516 (the
17 "'516 Patent") (collectively, the "Reexamination Patents"), I communicated with ZigBee, ZigBee
18 members, DLA Piper and Gallitano & O'Connor LLP ("G&O"), who is also counsel to ZigBee.
19

20 4. I understood at the outset of the communications with ZigBee, ZigBee's members,
21 DLA Piper and G&O that all communications regarding IPCO and the Reexamination Patents
22 were confidential and related to analyzing a legal position for ZigBee on behalf of its members.

23 5. I did not share the content of any such communications between myself, DLA
24 Piper, G&O, ZigBee and ZigBee's members with anyone outside of ZigBee, ZigBee's members,
25 or their counsel or for any purpose unrelated to a legal analysis of the defense of claims alleged
26 by IPCO.
27

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1 I declare under penalty of perjury that the foregoing is true and correct and that this Declaration
2 was executed on July 10, 2008 in Tempe, Arizona.



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Maryann Buscha

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Brett Black

07/10/2008